

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
Lou@lgraillaw.com

MELANIE B. YASBIN
Melanie@lgraillaw.com
410-296-2205

600 BALTIMORE AVENUE, SUITE 301
TOWSON, MARYLAND 21204-4022
(410) 296-2250 • (202) 466-6532
FAX (410) 332-0885

February 13, 2019

Ms. Victoria Rutson
Director, Office of Environmental Analysis
Surface Transportation Board
395 E Street S.W.
Washington, D.C. 20423

Re: **Docket No. AB-55 (Sub-No. 779X), CSX Transportation, Inc.—Abandonment
Exemption—in Trumbull County, OH**

Dear Ms. Rutson:

In accordance with the conditions imposed in the July 6, 2018 decision in the above captioned proceeding, CSX Transportation, Inc. consulted with the U.S. Army Corp of Engineers. Enclosed please find an email from the U.S. Army Corps of Engineers confirming that as long as all the work occurs above the OHWM, and does not place fill in wetlands, then no permit is required.

Sincerely yours,



Melanie B. Yasbin
Attorney for CSX Transportation, Inc.

Enclosure

Melanie Yasbin

Subject: FW: Newton Falls, Ohio - AB-55 (779X)

From: Campbell, Coley <Coley_J_Campbell@csx.com>
Sent: Tuesday, February 12, 2019 1:29 PM
To: Payne, Gene <Gene_Payne@csx.com>
Cc: troy.neisz@woodplc.com; Lance Rasnake <lance.rasnake@woodplc.com>
Subject: Re: Newton Falls, Ohio - AB-55 (779X)

Good afternoon Gene - per your request, my consultant reached back out to the USACE - Pittsburgh field office to get confirmation that no permit will be required for the line abandonment in Newton Falls, Trumbull County, Ohio.

As expected, our contact with the USCE (Mr. Englehardt) concurred (please see below) that as long as we are just removing ties/rails from the track bed and as such, no impacts to surface streams, wetlands or other "waters of the state" will occur - then no approval is required from the USACE. Please direct your contractor that we must avoid the above referenced impacts; if not, permits or approvals will be required and this may delay the project schedule.

Provided all of the work does occur above the OHWM, and does not place fill in wetlands, then no permit is required from the Army Corps of Engineers. If impacts to streams or wetlands end up being necessary to complete the project, you should contact this office to discuss permitting requirements.

Mike Engelhardt
Regulatory Division
U.S. Army Corps of Engineers - Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222
(412) 395-7141 (Office)
(412) 667-1638 (Cell)

Thanks

Coley Campbell
518-860-7032

Please excuse the brevity of this response it was sent from my iPhone